

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:09-CR-3037

vs.

FERNANDO SANCHEZ SANCHEZ,

Defendant.

ORDER

This matter is before the Court on the defendant's pro se motion for copies. Filing 84. The defendant has requested a copy of the full docket sheet, a transcript of his sentencing hearing, and copies of any plea agreements. Filing 84. However, the defendant does not have a right to receive copies of documents without payment, even if he has leave to proceed in forma pauperis. See, 28 U.S.C. § 1915; *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980). The defendant has not explained why he needs these documents, and the Court is not inclined to subsidize his litigation expenses. His motion for copies will be denied.

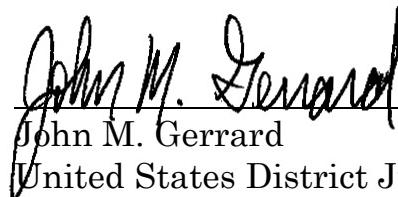
The Court also notes that one of the documents the defendant has requested—a transcript of his sentencing—does not exist, because no transcript was ordered. An indigent defendant bringing a postconviction proceeding under 28 U.S.C. § 2255 may have a transcript prepared at the government's expense, if the suit is not frivolous and the transcript is needed to decide the issue presented by the suit. 28 U.S.C. § 753. But any request for a free transcript prior to the filing of a § 2255 motion is premature. *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995). And the defendant has not filed such a motion yet in this case. The defendant may, if he files a § 2255 motion, move for a transcript to be prepared pursuant to § 753, and the Court will at that time consider whether his motion is frivolous and the transcript is necessary.

IT IS ORDERED:

1. The defendant's motion for copies (filing [84](#)) is denied.

Dated this 26th day of August, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge

A handwritten signature of "John M. Gerrard" is written over a solid horizontal line. Below the line, the name "John M. Gerrard" is printed in a standard black font, followed by "United States District Judge" on the next line.